

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIP GONZALES,

Plaintiff,

v.

STEPHENS, *et al.*,

Defendants.

No. 1:21-cv-00652-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY A COURT ORDER
AND FAILURE TO PROSECUTE

(Doc. No. 8)

Plaintiff Phillip Gonzales is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 21, 2021, the assigned magistrate judge issued an order denying plaintiff's *in forma pauperis* application without prejudice because it was incomplete; the magistrate judge ordered plaintiff to submit an application to proceed *in forma pauperis* or pay the filing fee within forty-five days to proceed with this action. (Doc. No. 5.) Plaintiff did not file an application to proceed *in forma pauperis*, pay the filing fee, or otherwise communicate with the court.

Accordingly, on June 9, 2021, the magistrate judge issued findings and recommendations recommending dismissal of this action, without prejudice, for failure to obey a court order, failure to pay the filing fee, and failure to prosecute. (Doc. No. 8.) Those findings and

1 recommendations were served on plaintiff and contained notice that any objections thereto were
2 to be filed within fourteen days after service. (*Id.* at 3–4.) No objections have been filed, and the
3 deadline to do so has now passed.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 magistrate judge’s findings and recommendations are supported by the record and by proper
7 analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued on June 9, 2021, (Doc. No. 8), are
10 adopted in full;
- 11 2. This action is dismissed, without prejudice, due to plaintiff’s failure to obey a
12 court order, failure to pay the filing fee, and failure to prosecute; and
- 13 3. The Clerk of the Court is directed to assign a district judge to this case for the
14 purpose of closing the case and then to close this case.

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16 IT IS SO ORDERED.

17 Dated: July 30, 2021

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20 UNITED STATES DISTRICT JUDGE
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